

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**RICHARD PERRY**

**PETITIONER**

**v.**

**No. 1:06CV234-M-D**

**LEPHER JENKINS, ET AL.**

**DEFENDANTS**

**FINAL JUDGMENT**

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated December 28, 2006, and the February 26, 2007, objections to the Report and Recommendation, the court finds that the petitioner's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

**ORDERED:**

1. That the Report and Recommendation of the United States Magistrate Judge dated December 28, 2006, is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That the instant petition for a writ of *habeas corpus* is hereby **DISMISSED** for failure to state a claim upon which relief could be granted, as procedurally barred, and as untimely filed.
3. That this case is **CLOSED**.

THIS, the 4<sup>th</sup> day of April, 2007.

/s/ Michael P. Mills  
**UNITED STATES DISTRICT JUDGE**